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KARNATAKA LEGISLATIVE ASSEMBLY

NOTIFICATION

No. 12563—L. A., Bangalore dated 20th February 1975

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Karnataka Legislative Assembly, the Speaker has been pleased to order the publication in the *Karnataka Gazette* of **The Karnataka Village Panchayats (Postponement of Elections) Bill, 1975** together with the Statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE KARNATAKA VILLAGE PANCHAYATS (POSTPONEMENT OF ELECTIONS) BILL, 1975.

(L.A. BILL No. 10 OF 1975)

A Bill to provide for the further postponement of elections to the panchayats in the State.

Whereas it is considered necessary to provide for further postponing of elections to the panchayats in the State and to provide consequentially for the continuance of the term of the office of the members of the panchayats;

Be it enacted by the Karnataka State Legislature in the Twenty-sixth Year of the Republic of India as follows:—

1. *Short title, commencement and duration.*—This Act may be called the Karnataka Village Panchayats (Postponement of Elections) Act, 1975.

(2) It shall be deemed to have come into force on the twenty-ninth day of January, 1975.

(3) It shall remain in force upto and inclusive of 31st December, 1975 or such earlier date as the State Government may, by notification, specify and upon the expiry of this Act, section 6 of the Karnataka General Clauses Act, 1899 shall apply as if this Act were a permanent Karnataka Act and had been repealed by a Karnataka Act immediately before its expiry.

2. *Definitions.*—In this Act unless the context otherwise requires,—

(*a*) 'Act' means the Karnataka Village Panchayats and Local Boards Act, 1959 (Karnataka Act 10 of 1959);

(*b*) the expression 'Panchayat' shall have the meaning assigned to it in the Act.

3. *Postponement of elections, etc.*—Notwithstanding anything contained in the Act or in the rules made thereunder or in any other law or in any judgment, decree or order of any court or authority,—

(2) during the period this Act is in operation no general elections to or elections to fill any casual vacancy in any Panchayat shall be held or if any such election is commenced but the poll has not taken place the election shall not be completed ;

(*b*) the term of office (including any extended term) of the members of any Panchayat or of the members of the administrative committee or of an Administrator appointed under the Act, who are or is as the case may be, in office on the date of the commencement of this Act, shall be deemed to be extended and such members or the Administrator shall continue to hold office during the period this Act is in operation.

4. *Arrangement to be made to constitute new Panchayats before the expiry of the extended term.*—Notwithstanding anything contained in this Act, after a date (being a date before the date of expiry of this Act) to be notified by the State Government in the official Gazette, arrangements shall be made by the Deputy Commissioner and other officers concerned to constitute new Panchayats in accordance with the provisions of the Act and the rules made thereunder before expiration of the term of office of the members and Administrators of Panchayats which stand extended during the period this Act is in force.

5. *Application of the Act.*—Except as otherwise provided by or under this Act, the Act shall in all other respects, apply to the Panchayats.

6. *Karnataka Act 9 of 1974 not to have effect in certain respects.*—On the commencement of this Act, the Karnataka Village Panchayats and Taluk Boards (Postponement of Elections) Act, 1974 (Karnataka Act 9 of 1974)

shall in so far as it relates to Panchayats cease to be in force and any action taken thereunder for the constitution of new panchayats shall not have any effect.

7. *Repeal of Karnataka Ordinance No. 1 of 1975.*— The Karnataka Village Panchayats (Postponement of Elections) Ordinance, 1975 (Karnataka Ordinance No. 1 of 1975) is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The term of the members of Village Panchayats will expire on 28th February 1975. Government consider it necessary to further extend the term of the existing panchayats to enable the persons belonging to Scheduled Castes to have proper representation in the Panchayats in proportion to their population and further to give an opportunity to people who attain the age of 21 years as on 1st January 1975 to get their names included as voters in the Electoral Rolls for the conduct of elections to the Village Panchayats.

N. RACHAIAH

Te. HANUMANTHAPPA,
Secretary.

STATEMENT UNDER RULE 70(1) OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE KARNATAKA LEGISLATIVE ASSEMBLY.

When, the constitutional omission denying the Scheduled Caste persons to have their full representation (reserved seats) was noticed by the Government, it took a decision to amend the Karnataka Village Panchayats (reservation of seats for the representatives of Scheduled Castes and Women) Rules, 1959 by deleting Rule No. 5. This Rule was incorporated in the original rules (framed in 1959) by the then Government in 1963, restricting the reservation of seats for Scheduled Castes and women together to 50 percent of the total seats in a Panchayat. As a result of this, the representation of Scheduled Castes in the Village Panchayats was restricted, though the Scheduled Castes population in certain panchayats was higher than 50 per cent. The State Government therefore took a decision to delete this Rule No. 5 with the object of enabling the members of the Scheduled Castes to have their proportionate representation in all the Village Panchayats in proportionate to their population as provided under the Constitution of India and the Karnataka Village Panchayats and Local Boards Act, 1959. Action is being taken to implement this decision.

Government have also decided to hold the elections to Village Panchayats with the revised electoral rolls with the qualifying date as 1st January 1975 with the object of giving an opportunity to a large number of youths to exercise their franchise in Village Panchayats elections. The revision of electoral roll is in progress.

Besides, the Election Officers particularly the Tahsildars who are to conduct the Village Panchayats elections are not completely free to attend to the general election work, since their services are under law requisitioned by the Election Commission for the regular revision of electoral rolls.

In view of the above facts, Government considered it necessary to postpone the general elections to the Panchayats and to continue the term of office of the existing panchayat members till the general elections are held.

Under these circumstances, an Ordinance to provide for the postponement of elections to the Panchayats in the State was promulgated by the Governor of Karnataka on the 29th day of January 1975.

N. RACHAIAH.